

SUMMARY REPORT PRIOR TO DESIGNATION OF INVESTIGATOR

Complaint file No: H30365I
Section of Act: 5
Initial contact: 16/07/85
Complaint date: 31/07/86
Grounds: disability (hypersensitivity to environment)
Complainant: Chris Brown
Address: 1102-258 Lisgar Street, Ottawa, Ontario, K2P 0C9
Respondent: Agriculture Canada
Address: Sir John Carling Building, Ottawa, Ontario, K1A 0C5

Summary of complaint

The complainant claims to have been discriminated against by Agriculture Canada when the department refused to change the labelling on pesticides to take into account his handicap.

Recommendation

Not to deal with complaint

Summary of reasons for recommendation

The claims made have nothing to do with discriminatory practices based on a ground of discrimination.

Recommended by

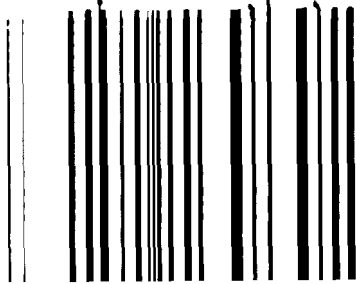
Human rights officer: Diane Fecteau

Date: September 16, 1986

Regional Director: Charles A Lafrenière

Date: September 19, 1986

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SUMMARY REPORT PRIOR TO DESIGNATION OF INVESTIGATOR

Complainant: Chris Brown
Respondent: Agriculture Canada
File number: H 30365(I)
Grounds: Disability (hypersensitivity to environment)
Section of the Act: 5
Date of initial contact: July 16, 1986
Date of report: September 3, 1986

Summary of complaint

The complainant claims to have been discriminated against by Agriculture Canada because the department refused to take into account his handicap by changing the labels on various chemical substances and pesticides.

According to the complainant, the labels being used create the impression that use or handling of chemicals will have little or no effect on the health of those who may be exposed to them.

In addition, the complainant alleges that through its role in administering and implementing the Pest Control Products Act, Agriculture Canada has discriminated against him by refusing to change its approach to people who are hypersensitive to the environment. The complainant wants consideration to be given to the plight of those who, like him, may suffer health problems when exposed to chemical substances in their surroundings.

Jurisdiction

Under section 32, the complainant, as a victim, is entitled to file a complaint. The respondent is a federal department. This complaint was filed within one year.

The complainant tried to have the labels now used on these products changed to protect others like him who are extremely sensitive to such substances. The complainant became very ill after a pesticide was sprayed near his apartment. He stated that if the label had directed users to warn the public when the product is going to be sprayed, and particularly persons hypersensitive to such substances, he could have avoided the medical problems he suffered as a consequence.

His dealings with Agriculture Canada were not successful.

Policy issues

The Commission has no jurisdiction over this complaint because the allegations made do not concern discrimination on the basis of a ground of discrimination. Agriculture Canada offers a service open to anyone using pesticides. The complainant feels that the current labels do not sufficiently warn users of all possible dangers to their health and the environment. Although this is a very real problem, it does not involve discrimination and the Canadian Human Rights Commission is not authorized to take any action.

The problem raised by the complainant could be handled more appropriately through the regulatory process for the development, marketing and labelling of pesticides.

Conclusion and recommendation

The investigator respectfully recommends that in accordance with sub-paragraph 33(b)(ii), the complaint of Chris Brown not be dealt with since it does not come under the Commission's jurisdiction inasmuch as it is not based on a prohibited ground of illegal discrimination set forth in section 3 of the Act.

Comments

The problem posed by this complaint concerns a public service designed to inform pesticide users of the nature of these products, the risk they present and how they should be used.